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FOLLOWING REPEAT SEOUL 14304 SENT ACTION SECSTATE INFO TOKYO SA CINCUNC KS CHJUSMAG SEOUL KS COMUSKOREA SEOUL KS//EJ-IS CINCPAC HONOLULU HAWAII OCT 29
QUOTE: LIMITED OFFICIAL USE SEOUL 14304
E.O. 12065: N/A
TAGS: SHUM PINS KS
SUBJECT: KIM DAE JUNG APPELLATE TRIAL (REPORT NO. 5)
REF: SEOUL 14196

1. SUMMARY: FOLLOWING TESTIMONY OCTOBER 28 BY THE ELEVEN LESSER DEFENDANTS, WHOSE APPROACH WAS FOR THE MOST PART NONDEFIANT AND EVEN REPENTANT, THE COURT HEARD MOTIONS TO INTRODUCE WITNESSES AND EVIDENCE. BUT IT ACCEPTED NO EVIDENCE AND ONLY ONE (PROSECUTION) WITNESS, YUN HYO-TONG, QUESTIONING OF WHOM BEGAN OCTOBER 29. YUN, A FORMER CHOSEN SOREN AND HANMINTONG ACTIVIST FROM JAPAN, SAID MUCH ABOUT THOSE ORGANIZATIONS AND ABOUT SENIOR MEMBERS OF THEM WITH
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WHOM THE PROSECUTION CLAIMS KIM DAE JUNG HAD LINKS, BUT ADMITTED HE DID NOT HIMSELF KNOW KDJ. CROSS-EXAMINATION REEMPHASIZED KIM'S EARLIER DENIALS THAT HE KNEW THESE MEN WERE COMMUNISTS, AND CAST ASPERSIONS ON THE SINCERITY OF THE WITNESS' CONVERSION FROM COMMUNISM. FAMILY MEMBERS SCREAMED "COMMUNIST*" AND STORMED OUT OF COURT, AND THE DEFENDANTS ROSE TO INTERRUPT YUN'S TESTIMONY WITH THE SAME IMPRECATION. AFTER YUN'S TESTIMONY THE COURT ADJOURNED FOR LUNCH. END SUMMARY.

2. THE ELEVEN LESSER DEFENDANTS (THOSE CHARGED ONLY WITH MARTIAL LAW DECREE VIOLATIONS) TESTIFIED OCTOBER 28. MOST WERE BRIEF--THEIR TOTAL TESTIMONY TOOK 2 1/2 HOURS--AND UNDEFIANT. NONE DENOUNCED KIM DAE JUNG (M-R: KIM TAE-CHUNG), BUT SEVERAL CAME CLOSE TO DISOWNING HIM. YU IN-HO (M-R) SAID HE HAD "MERELY INTERVIEWED" KIM AND ASKED PLAINTIVELY, "WHY AM I INVOLVED IN KIM DAE JUNG'S CASE? I HAVE NOTHING TO DO WITH THIS CASE AT ALL." A GAUNT AND ILL-LOOKING KIM NOK-YONG (M-R), WHOSE DEMOCRATIC UNIFICATION PARTY (DUP) ONCE HELD A FUTURE KIM CANDIDACY TO BE
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ITS RAISON D'ETRE, SAID HIS RESIGNATION FROM THE DUP CHAIRMANSHIP AND THE NATIONAL ASSEMBLY REPRESENTED HIS "ACCEPTANCE OF RESPONSIBILITY FOR THE POLITICAL TROUBLES OF 1980" AND INSISTED, "I HAVE FULLY REPENTED." THE MOST VOLUBLE WITNESS WAS YI TAEK-TON (M-R) WHO, INTER ALIA, EXPLAINED HIS PRESENCE IN A RESTAURANT ON MAY 16 BY SUYING HE WAS WAITING THERE FOR ONE OF GENERAL WICKHAM'S AIDES WHO WAS GOING TO "EXPLAIN THE AMERICAN VIEW ON STUDENT DEMONSTRATIONS." BUT THE AIDE WAS NOT NAMED, AND THE QUESTION WAS NOT PURSUED.

3. EVIDENCE AND WITNESSES: LATE OCTOBER 28 THE COURT,

WITH ALL DEFENDANTS PRESENT, HEARD MOTIONS, MADE ON THE PROSECUTION SIDE BY COUNSEL AND ON THE DEFENSE SIDE BY THE DEFENDANTS THEMSELVES, FOR THE INTRODUCTION OF WITNESSES AND EVIDENCE. THE PROSECUTION ASKED FOR FOUR WITNESSES; THE DEFENSE NAMED ABOUT 37 WITNESSES AND SEVERAL PIECES OF EVIDENCE, INCLUDING THE SEOUL PROSECUTOR'S OFFICE RECORD ON KIJ FOLLOWING KIM'S RETURN TO KOREA FROM JAPAN. AMONG THE WITNESSES WHOM THE DEFENSE REQUESTED WERE DISSIDENT PRIEST HAM SE-UNG (M-R), REQUESTED BY MUN IK-HWAN (M-R), AND BISHOP YUN KONG-HUI (M-R) OF KWANGJU, REQUESTED BY YI SOK-PYO (M-R). EACH SIDE WAS ALLOWED TO OBJECT TO THE OTHER'S EVIDENCE AND WITNESS MOTIONS: THE DEFENSE DID NOT OBJECT TO ANY OF THE PROSECUTION'S; THE PROSECUTION OBJECTED TO ABOUT TWO-THIRDS OF THOSE MADE BY THE DEFENSE; AND THE COURT, ON OCTOBER 29, DENIED ALL REQUESTS EXCEPT THAT FOR PROSECUTION WITNESS YUN HYO-TONG (M-R).

4. TESTIMONY: YUN, A JAPANESE RESIDENT SINCE 1947 AND A RECENT "CONVERT FROM COMMUNISM," DISCUSSED THE ANTI-ROK MISSIONS OF HANMINTONG AND CHOSEN SOREN, MENTIONED TRIPS HE HAD MADE TO NORTH KOREA ON BOTH ORGANIZATIONS' BEHALF, AND GAVE SOME BACKGROUND ON FIVE INFLUENTIAL CHOSEN SOREN MEMBERS WHO HAD HELPED FOUND HANMINTONG AND WHOM THE GOVERNMENT HAS NAMED AS LINKS BETWEEN KDJ AND HANMINTONG. ONE OF THE FIVE, CHO HWAL-CHON (M-R), HE NAMED AS "KDJ'S SECRETARY WHILE KIM WAS IN JAPAN," BUT HE SAID LITTLE OF THE OTHERS' TIES WITH KIM AND ADMITTED HE HIMSELF DID NOT KNOW KIM. CROSS-EXAMINATION, MUCH OF IT CONDUCTED BY KIM PERSONALLY, BROUGHT OUT KIM'S LACK OF KNOWLEDGE OF THE FIVE HANMINTONG ACTIVISTS' COMMUNIST TIES, AND CAST DOUBTS ON THE VERACITY OF THE WITNESS' OWN CLAIM TO HAVE ABANDONED COMMUNISM.

5. COURTROOM HISTRIONICS: THE SESSION WAS THE MOST TURBULENT SO FAR, WITH DEFENDANTS AND FAMILIES DISPLAYING OUTRAGE AT WITNESS YUN'S COMMUNIST BACKGROUND. KIM SANG-

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HYON (M-R) ROSE IN THE MIDST OF YUN'S TESTIMONY TO DEMAND THAT "WE ALL LEAVE THIS COURTROOM AND NOT LISTEN TO THIS COMMUNIST PREACHING*" AT THAT THE FAMILIES BEGAN SCREAMING "COMMUNIST*", AND ORDER WAS NOT RESTORED FOR SEVERAL MINUTES. AFTER A BREAK THE SESSION RESUMED WITH A WARNING FROM THE COURT THAT "DISRUPTERS" WOULD BE PUNISHED, BUT WITHIN MINUTES THE FAMILIES WERE BACK ON THEIR FEET, AND, SCREAMING "COMMUNIST PROPAGANDA*" AND "LEAVE THE COURT*", THEY WALKED OUT. LATER, A DEFENSE LAWYER POINTED OUT THAT YUN USED HONORIFICS IN NAMING FORMER@ COMMUNIST COMRADES, AND THE DEFENDANTS THEMSELVES ROSE AND BEGAN YELLING "COMMUNIST*" UNTIL THEIR GUARDS GOT THEM TO QUIET DOWN. COURT RECESSED FOR LUNCH SHORTLY AFTERWARDS. GLEYSTEEN UNQUOTE MUSKIE

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